



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/829,271	04/22/2004	Carl Ceresoli	022344.0101PTUS	6456
33042	7590	10/06/2008		
PATTON BOGGS LLP 8484 WESTPARK DRIVE SUITE 900 MCLEAN, VA 22102			EXAMINER ZUBAJLO, JENNIFER L	
			ART UNIT	PAPER NUMBER
			2629	
			MAIL DATE	DELIVERY MODE
			10/06/2008 PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/829,271

Applicant(s)

CERESOLI, CARL

Examiner

JENNIFER ZUBAJLO

Art Unit

2629

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 June 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-893)
- Paper No(s)/Mail Date 8/12/04 and 3/27/06
- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

2. Claim 22 is rejected under 35 U.S.C. 102(a) as being anticipated by Robin Mackay (Pub. No.: US 2003/0075597).

As to claim 22, Mackay teaches a method of transferring data comprising:
connecting a non-clasping data transmitter on a first wearable data storage device to a non-clasping data receiver on a second wearable data storage device (see [0020] and [0023]).

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claim 23 is rejected under 35 U.S.C. 102(b) as being anticipated by Chih-Ping Fang (Patent No.: US 6,536,941 B1).

As to claim 23, Fang teaches a method of transferring data comprising:
connecting the male clasping data connector of a first wearable data storage device to
personal computer (see figure 5).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all
obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-4, 9-13, 17-19, 21, and 28-30 are rejected under 35 U.S.C. 103(a) as
being unpatentable over Robin Mackay (Pub. No.: US 2003/0075597 A1) in view of
Chih-Ping Fang (Patent No.: US 6,536,941 B1), further in view of Klaus Hofrichter (Pub.
No.: US 2003/0028903 A1).

As to claim 1, Mackay teaches a wearable data storage device comprising: a
data storage unit; a non-clasping data transmitter; a non-clasping data receiver; a male
clasping data connector; a female clasping data connector; and a band having a first
end and a second end (see Abstract, figure 1, and [0020]-[0025]).

Mackay does not directly teach wherein the first end of the band comprises the
male clasping data connector and the second end of the band comprises the female
clasping data connector.

Fang teaches a wearable data storage device wherein the first end of the band comprises the male clasping data connector (see figure 1 – note that location of data connectors are simply choices of design).

Hofrichter teaches a data storage device wherein the second end of the band comprises the female clasping data connector (see figure 2 and [0020] – note that location of data connectors are simply choices of design).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the well known storage device that has the male output and female input taught by Hofrichter into the design of Fang and then further incorporate into the data storage device of Mackay in order to provide a personal disk that can be worn on the wrist while still keeping the appearance of the accessory, thus making it a multifunction product with good portability (see Fang column 1 lines 50-55).

As to claim 28, Mackay teaches a wearable data storage device comprising: a data storage unit; a non-clasping data transmitter; a non-clasping data receiver; a male clasping data connector; a female clasping data connector; and a band having a first end and a second end (see Abstract, figure 1, and [0020]-[0025]).

Mackay does not directly teach wherein the male clasping data connector is located proximal to the first end of the band and the female clasping data connector is located proximal to the second end of the band.

Fang teaches a wearable data storage device wherein the male clasping data connector is located proximal to the first end of the band (see figure 1 – note that location of data connectors are simply choices of design).

Hofrichter teaches a data storage device wherein the female clasping data connector is located proximal to the second end of the band (see figure 2 and [0020] – note that location of data connectors are simply choices of design).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the well known storage device that has the male output and female input taught by Hofrichter into the design of Fang and then further incorporate into the data storage device of Mackay in order to provide a personal disk that can be worn on the wrist while still keeping the appearance of the accessory, thus making it a multifunction product with good portability (see Fang column 1 lines 50-55).

As to claim 2, the combination of Mackay, Fang, and Hofrichter teach the wearable data storage device of claim 1 (see above rejection). Fang also teaches wherein the data storage unit is a flash memory chip (see column 1 lines 60-63).

As to claim 3, the combination of Mackay, Fang, and Hofrichter teach the wearable data storage device of claim 1 (see above rejection). Mackay also teaches the wearable data storage device further comprising a display (see [0028] and [0031]).

As to claim 4, the combination of Mackay, Fang, and Hofrichter teach the wearable data storage device of claim 3 (see above rejection). Mackay and Fang do not directly teach wherein the display is adapted to rotate. However, Examiner is taking Official Notice that it is common and well known in the art to have a display that rotates.

As to claim 9, the combination of Mackay, Fang, and Hofrichter teach the wearable data storage device of claim 1 (see above rejection). Mackay also teaches wherein the non-clasping data transmitter of a first wearable data storage device is adapted to transfer data to the non-clasping data receiver of a second wearable data storage device (see [0023]).

As to claim 10, the combination of Mackay, Fang, and Hofrichter teach the wearable data storage device of claim 9 (see above rejection). Examiner is taking Official Notice to the teaching of transmission by use of infrared technology. This is common in the art and a well known way to directly transfer data.

As to claim 11, the combination of Mackay, Fang, and Hofrichter teach the wearable data storage device of claim 1 (see above rejection). Hofrichter also teaches wherein the male clasping data connector of a first wearable data storage device is adapted to transfer data to the female clasping data connector of a second wearable data storage device (see [0020]).

As to claim 12, the combination of Mackay, Fang, and Hofrichter teach the wearable data storage device of claim 11 (see above rejection). Hofrichter also teaches wherein a plurality of wearable storage devices are adapted to be daisy-chained by connecting the male clasping data connector of one wearable data storage device to the female clasping data connector of the succeeding wearable data storage device in the daisy-chain (see figure 2 and [0020]).

As to claim 13, the combination of Mackay, Fang, and Hofrichter teach the wearable data storage device of claim 12 (see above rejection). Fang also teaches wherein the wearable data storage device is adapted to communicate with a personal computer through the personal computer's USB port (see figure 5).

As to claim 17, the combination of Mackay, Fang, and Hofrichter teach the wearable data storage device of claim 1 (see above rejection). Fang teaches wherein the male clasping data connector and the female clasping data connector form a clasping mechanism (see figure 1).

As to claim 18, the combination of Mackay, Fang, and Hofrichter teach the wearable data storage device of claim 1 (see above rejection). Fang also teaches wherein the band is adjustable (see figure 1).

As to claim 19, the combination of Mackay, Fang, and Hofrichter teach the wearable data storage device of claim 3 (see above rejection). Examiner is taking Official Notice to the teaching of a backlight within the display of a wearable device such as a watch display. Backlights in watch displays are common and well known in the art.

As to claim 21, the combination of Mackay, Fang, and Hofrichter teach the wearable data storage device of claim 1 (see above rejection). Hofrichter also teaches wherein the male and female data clasp connectors are selected from the groups consisting of USB, serial, and parallel (see [0017]).

As to claim 29, the combination of Mackay, Fang, and Hofrichter teach the wearable data storage device of claim 28 (see above rejection). As to the teaching of location of the data connectors being on the sides of the band, this is simply an engineering choice of design.

As to claim 30, the combination of Mackay, Fang, and Hofrichter teach the wearable data storage device of claim 29 (see above rejection). Mackay also teaches a clasp mechanism which can neither transmit nor receive data (see [0114]).

7. Claims 5-8, 14-16, and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Robin Mackay (Pub. No.: US 2003/0075597 A1) in view of Chih-Ping

Fang (Patent No.: US 6,536,941 B1), in view of Klaus Hofrichter (Pub. No.: US 2003/0028903 A1), and further in view of Chandrasekhar Narayanaswami (Patent No.: US 6,556,222).

As to claims 5-8, the combination of Mackay, Fang, and Hofrichter teach the wearable data storage device of claims 3 and 4 (see above rejection).

The combination of Mackay, Fang, and Hofrichter do not directly teach a wearable data wherein the display is adapted to display text and graphics or comprise at least one button that is a push button or a scroll button.

Narayanaswami teaches a wearable data wherein the display is adapted to display text and graphics (see column 1 lines 7-14, column 2 lines 53-67, and column 6 lines 36-38) and the display comprises at least one button that is a push button or a scroll button (see column 4 lines 4-14 and column 5 lines 42-44).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teachings of the various display functions of a wearable data storage device as taught by Narayanaswami into the wearable data storage device as taught by the combination of Mackay, Fang, and Hofrichter in order to provide a wearable device equipped with an interactive user interface for providing a variety of desktop PC-like functions.

As to claims 14-16, the combination of Mackay, Fang, and Hofrichter teach the wearable data storage device of claim 13 (see above rejection).

The combination of Mackay, Fang, and Hofrichter do not directly teach wherein the wearable data storage device is adapted to synchronize with a calendar program, an email program or internet websites on the personal computer.

Narayanaswami teaches wherein the wearable data storage device is adapted to synchronize with a calendar program, an email program and internet websites on the personal computer (see column 5 lines 20-24, column 7 lines 3-9, 21-29, 42-46, and 57-60).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teachings of the various display functions of a wearable data storage device as taught by Narayanaswami into the wearable data storage device as taught by the combination of Mackay, Fang, and Hofrichter in order to provide a wearable device equipped with an interactive user interface for providing a variety of desktop PC-like functions.

As to claim 20, the combination of Mackay, Fang, and Hofrichter teach the wearable data storage device of claim 1 (see above rejection).

The combination of Mackay, Fang, and Hofrichter do not directly teach a wearable data storage device further comprising a speaker.

Narayanaswami teaches a wearable data storage device further comprising a speaker (see figure 1).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teachings of the various display functions of a

wearable data storage device as taught by Narayanaswami into the wearable data storage device as taught by the combination of Mackay, Fang, and Hofrichter in order to provide a wearable device equipped with an interactive user interface for providing a variety of desktop PC-like functions.

8. Claim 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over Chih-Ping Fang (Patent No.: US 6,536,941 B1) in view of Klaus Hofrichter (Pub. No.: US 2003/0028903 A1).

As to claim 24, Fang teaches the method of claim 23 (see above rejection).

Fang does not directly teach connecting the male clasping data connector of a first wearable data storage device to a female clasping data connector of a second wearable data storage device.

Hofrichter teaches connecting the male clasping data connector of a first wearable data storage device to a female clasping data connector of a second wearable data storage device (see [0020]).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the well known storage device that has the male output and female input taught by Hofrichter into the design and method of Fang in order to provide a personal disk that can be worn on the wrist while still keeping the appearance of the accessory, thus making it a multifunction product with good portability (see Fang column 1 lines 50-55).

9. Claims 25-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chih-Ping Fang (Patent No.: US 6,536,941 B1) in view of Chandrasekhar Narayanaswami (Patent No.: US 6,556,222).

As to claims 25-27, Fang teaches the method of claim 23 (see above rejection).

Fang does not directly teach synchronizing calendar data, email data, or data from websites on the internet in the computer with data in the first wearable data storage device.

Narayanaswami teaches synchronizing calendar data, email data, or data from websites on the internet in the computer with data in the first wearable data storage device (see column 5 lines 20-24, column 7 lines 3-9, 21-29, 42-46, and 57-60).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teachings of the various display functions of a wearable data storage device as taught by Narayanaswami into the design and method of Fang in order to provide a wearable device equipped with an interactive user interface for providing a variety of desktop PC-like functions.

Note: References cited include just some examples that Examiner feels best explain the prior art rejection. However, the entire references teach the scope of the claims in more detail. Examiner recommends that Applicant read the full disclosures.

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Pub. No.: US 2004/0081025 A1 and Patent No.: US 6,801,476 B2.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JENNIFER ZUBAJLO whose telephone number is (571)270-1551. The examiner can normally be reached on Monday-Friday, 8 am - 5 pm, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Amare Mengistu can be reached on (571) 272-7674. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Application/Control Number: 10/829,271

Page 14

Art Unit: 2629

/Jennifer Zubajlo/

9/30/08

/Amare Mengistu/

Supervisory Patent Examiner, Art Unit 2629